

1 NICOLA T. HANNA  
United States Attorney  
2 LAWRENCE S. MIDDLETON  
Assistant United States Attorney  
3 Chief, Criminal Division  
MATTHEW J. ROSENBAUM (Cal. Bar No. 319700)  
4 Assistant United States Attorney  
General Crimes Section  
5 1100 United States Courthouse  
312 North Spring Street  
6 Los Angeles, California 90012  
Telephone: (213) 894-4896  
7 Facsimile: (213) 894-0141  
E-mail: matthew.rosenbaum@usdoj.gov  
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Attorneys for Applicant  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 In the Matter of the Search of  
the Digital Device Described in  
13 Attachment A

No. 5:19-MJ-00022

GOVERNMENT'S *EX PARTE* APPLICATION  
FOR FIRST EXTENSION OF TIME WITHIN  
WHICH TO RETAIN AND SEARCH DIGITAL  
14 DEVICE; DECLARATION OF MATTHEW J.  
15 ROSENBAUM  
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17  
18 The United States of America, by and through its counsel of  
19 record, Assistant United States Attorney MATTHEW J. ROSENBAUM, hereby  
20 applies for an order extending by 120 days the time within which the  
21 government may retain and search a digital device seized pursuant to  
22 a federal search warrant.

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1        This application is based on the attached declaration of AUSA  
2 Matthew J. Rosenbaum and the files and records of this case,  
3 including the underlying search warrant and affidavit in support  
4 thereof.

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6        Dated: May 13, 2019

Respectfully submitted,

7        NICOLA T. HANNA  
8        United States Attorney

9        LAWRENCE S. MIDDLETON  
10       Assistant United States Attorney  
11       Chief, Criminal Division

/s/ Matthew J. Rosenbaum

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MATTHEW J. ROSENBAUM  
13       Assistant United States Attorney

14       Attorneys for Applicant  
15       UNITED STATES OF AMERICA  
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**DECLARATION OF MATTHEW J. ROSENBAUM**

I, Matthew J. Rosenbaum, hereby declare and state:

1. I am an Assistant United States Attorney assigned to this investigation for the United States Attorney's Office for the Central District of California.

2. This declaration is made in support of a request for an order permitting the government to retain and search, pursuant to the terms of the original warrant in this matter, for an additional 120 days from the date of the entered order, the following digital device ("the SUBJECT DEVICE") seized pursuant to the warrant described below:

a. Black LG Android Smart Phone, IMEI #351603102439839, and believed to belong to Angel Philip Angulo, Jr.

3. On January 14, 2019, in Case No. 5:19-MJ-22, Special Agent Paul Kirwan of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") obtained a federal search warrant issued by the Honorable Shashi Kewalramani, United States Magistrate Judge, authorizing the search of the SUBJECT DEVICE. The warrant, which is incorporated herein by reference and available to the Court upon request, authorized the search of the SUBJECT DEVICE for a period of 120 days to allow the government to search the device for evidence of violations of 21 U.S.C. §§ 841 and 846 (Conspiracy to Distribute and Distribution of Controlled Substances); 18 U.S.C. § 922(g)(1) (prohibited person in possession of a firearm); and 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime).

1           4.     This is the first request for an extension.   The current  
2 deadline by which the government must have completed its review of  
3 the SUBJECT DEVICE is May 14, 2019.

4           5.     Based on information provided to me by the ATF agents  
5 assigned to this matter, I understand that the SUBJECT DEVICE is  
6 still in the custody of the ATF, and that, for the following reasons,  
7 the government is requesting an additional 120 days from the date of  
8 the order to complete its review of the SUBJECT DEVICE:

9           a.     Since the time that the search warrant was obtained,  
10 the ATF has been unable to unlock the SUBJECT DEVICE.   The ATF has  
11 attempted multiple times to extract data from the SUBJECT DEVICE, but  
12 has been unable to do so.   To date, the software typically used by  
13 the ATF to access locked cellular devices has not worked to unlock  
14 the SUBJECT DEVICE.   However, the ATF is continuing to attempt to  
15 access the data on the SUBJECT DEVICE, and believes it may be able to  
16 do so with an extension of time.

17           b.     Further, even if the agents are able to gain access to  
18 the device in the near future and subject it to forensic review, it  
19 will take additional time from that date for them to complete their  
20 review, as authorized by the original search warrant in this case.  
21 The forensic review of digital devices is typically time consuming.  
22 Agents cannot simply turn on digital devices and review their  
23 contents because merely turning on a digital device such as a  
24 computer and reviewing its contents changes the data on the computer.  
25 Specialized computer software is therefore needed to ensure that  
26 evidence remains in a pristine and usable condition, and is not  
27 affected by the review process.   The review also must be conducted by  
28 agents who have received specialized training to ensure that the

1 review is done thoroughly and in a forensically sound fashion. This  
2 process takes substantial time. Further, phones like the SUBJECT  
3 DEVICE can contain large quantities of information that require  
4 lengthy time to review. Based on my training and experience, I know  
5 that even one gigabyte of information (usually well less than the  
6 amount of data on a fairly new phone) could hold the contents of  
7 about ten yards of books on a shelf. One hundred gigabytes could  
8 hold an entire library floor of academic journals.

9 c. Accordingly, the government respectfully seeks an  
10 additional 120 days to allow agents to search the SUBJECT DEVICE.

11 I declare under penalty of perjury under the laws of the United  
12 States of America that the foregoing is true and correct.

13  
14 DATED: May 13, 2019

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16 /s/ Matthew J. Rosenbaum

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MATTHEW J. ROSENBAUM